

## **NORTH LEBANON TOWNSHIP**

### **ORDINANCE NO. 2 - 2016**

AN ORDINANCE TO THE CODE OF ORDINANCES OF NORTH LEBANON TOWNSHIP PROVIDING FOR AMENDMENTS TO CHANGE PROVISIONS OF THE ORDINANCES, PROVIDING FOR THE ADDITION OF NEW PROVISIONS TO THE CODIFIED ORDINANCES AND TO PROVIDE FOR THE REPEAL OF PROVISIONS OF THE CODE OF ORDINANCES OF NORTH LEBANON TOWNSHIP.

WHEREAS, the Board of Supervisors of North Lebanon Township has deemed it necessary to amend the Codified Ordinances of North Lebanon Township for the protection, health and welfare of the residents of North Lebanon Township.

BE IT ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF THE MUNICIPALITY OF NORTH LEBANON TOWNSHIP, LEBANON COUNTY, PENNSYLVANIA, THE FOLLOWING ADDITIONS, AMENDMENTS AND REPEAL OF PROVISIONS TO THE CODE OF ORDINANCES OF NORTH LEBANON TOWNSHIP AS FOLLOWS:

I. **CHAPTER 27 – ZONING, PART 1 – DEFINITIONS - SECTION 102 – SPECIFIC DEFINITIONS**

The existing definition of “Lot, Corner” is hereby Repealed, and the following definition provision is added:

“LOT, CORNER – In all districts, corner lots shall have one (1) required front yard, one (1) required rear yard and two (2) required side yards (all required yards being measured from either the road right-of-way or the adjacent interior lot line). The yard toward which the front entrance of the building faces shall be designated as the front yard. (In no instance shall any object, structure or planting interfere with the visibility at any intersection as specified in §1206 (Visibility at Intersections)).”

II. **CHAPTER 27 – ZONING, PART 12 – SUPPLEMENTAL DISTRICT REGULATIONS. SECTION 1213 – CORNER LOT RESTRICTIONS**

Repeal the current provision and the following provision is added:

“See Part 1-Definitions. §102-Specific Definitions, “Lot, corner”.”

III. **CHAPTER 27 – ZONING - PART 1230 – WIRELESS TELECOMMUNICATIONS FACILITIES**

The following provisions shall be added as specifically set forth in Exhibit “A” attached hereto.

IV. **CHAPTER 27 – PART 22 – SCHEDULE OF FEES – SECTION 27-2201-2 AND 3 – ZONING AMENDMENT HEARINGS**

The existing provisions are hereby Repealed and Replaced with the following:

Zoning Amendment Hearings.

- A. Each petitioner requesting a zoning amendment hearing before the Board of Supervisors shall, upon presentation of his/her petition to the Lebanon County Planning Department, submit to North Lebanon Township a fee as set by Resolution of the Board of Supervisors of North Lebanon Township with all other applicable fees of the Lebanon County Planning Department.
- B. Any expenses incurred by the Township above the deposit application fee as set forth above shall be reimbursed by the petitioner upon presentation of an invoice by the Township.
- 3. Appeals to the Zoning Hearing Board.

For each application or appeal submitted to the Lebanon County Planning Department, the applicant shall submit the sum as set by Resolution of the Board of Supervisors of North Lebanon Township, along with other applicable fees of the Lebanon County Planning Department at the time of submission of their request/application for a hearing before the North Lebanon Township Zoning Hearing Board.

**Severability**

If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is hereby declared as the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

**Repealer**

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Effective Date

This ordinance shall become effective immediately upon its adoption.

ADOPTED this 21<sup>st</sup> day of November, 2016.

ATTEST:  
(SEAL)

**NORTH LEBANON TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
Cheri F. Grumbine, Secretary

By: \_\_\_\_\_  
Edward A. Brensinger, Chairman

By: \_\_\_\_\_  
Richard E. Miller, Vice Chairman

By: \_\_\_\_\_  
A. Bruce Sattazahn, Treasurer

**TOWNSHIP OF NORTH LEBANON  
LEBANON COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2-2016**

**AN ORDINANCE OF THE TOWNSHIP OF NORTH LEBANON, LEBANON COUNTY,  
PENNSYLVANIA; PROVIDING FOR THE AMENDMENT OF THE ZONING  
ORDINANCE OF THE TOWNSHIP OF NORTH LEBANON, PROVIDING FOR  
DEFINITIONS; ESTABLISHING CERTAIN GENERAL AND SPECIFIC STANDARDS  
RELATING TO THE LOCATION, PLACEMENT, CONSTRUCTION AND  
MAINTENANCE OF COMMUNICATIONS TOWERS AND COMMUNICATIONS  
ANTENNAS; PROVIDING FURTHER FOR THE REGULATION OF SUCH  
FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY AND OUTSIDE THE PUBLIC  
RIGHTS-OF-WAY; PROVIDING FOR THE ENFORCEMENT OF SAID  
REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

NOW THEREFORE, be it, and it is hereby ORDAINED by the Board of Supervisors of the Township of North Lebanon, Lebanon County, Commonwealth of Pennsylvania, and it is hereby ENACTED and ORDAINED by authority of same as follows:

**SECTION I. Repealer of Certain Definitions and Provisions**

- A. The definitions of “Communications Antenna,” “Communications Equipment Building,” “Communications Tower,” “Height of a Communications Tower” are hereby repealed and removed as definitions from Section 102 of the North Lebanon Township Zoning Ordinance.

**SECTION II. Amendment to Section 102, Specific Definitions of the North Lebanon Township Zoning Ordinance**

Section 102 of the Zoning Ordinance is hereby amended to include the following definitions to Section 102:

1. *Co-location*—the mounting of one or more WCFs, including antennae, on an existing Communications Tower, or on any structure that already supports at least one Communications Antenna.
2. *Communications Antenna*—any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. Communications Antennas shall not include Support Structures for Communications Antennae (i.e., a water tower or Communications Tower) or any Related Equipment that is mounted to the ground or at ground-level.

**EXHIBIT “A”**

3. *Communications Tower*—any structure that is used for the purpose of supporting one or more Communications Antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. Distributed antenna system hub facilities are considered to be Communications Towers.
4. *Distributed Antenna Systems (DAS)*—network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.
5. *Emergency*—a condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.
6. *FCC*—Federal Communications Commission.
7. *Height of a Communications Tower* - the vertical distance measured from the ground level, including any base pad, to the highest point on a Communications Tower, including antennae mounted on the tower and any other appurtenances.
8. *Monopole*—a Communications Tower or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antennae and connecting appurtenances.
9. *Related Equipment*—any piece of equipment related to, incidental to, or necessary for, the operation of a Communications Tower or Communications Antenna. By way of illustration, not limitation, Related Equipment includes generators and base stations.
10. *Stealth Technology*—camouflaging methods applied to wireless communications towers, antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.
11. *Substantially Change or Substantial Change* - A modification to an existing wireless communications facility Substantially Changes the physical dimensions of a tower or base station if it meets any of the following criteria: (1) for Communications Towers outside the public rights-of-way, it increases the height of the facility by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna, not to exceed 20 feet, whichever is greater; for Communications Towers in the rights-of-way, it increases the height of the facility by more than 10% or 10 feet, whichever is greater; (2) for Communications Towers outside the public rights-of-way, it protrudes from the edge of the WCF by more than 20 feet, or more than the width of the Tower structures at the level of the appurtenance, whichever is greater; for those Communications Towers in the public rights-of-way, it protrudes from the edge of the structure by more than 6 feet; (3) it involves installation of more than the standard

number of new equipment cabinets for the technology involved, but not to exceed 4 cabinets; (4) it entails any excavation of deployment outside the current site of the Communications Tower; or (5) it does not comply with conditions associated with prior approval of construction or modification of the Communications Tower unless the non-compliance is due to an increase in height, increase in width, or addition of cabinets.

12. *WBCA* - Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 *et. seq.*)
13. *Wireless*—transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.
14. *Wireless Communications Facility (WCF)*—the antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.
15. *Wireless Communications Facility Applicant (WCF Applicant)*—any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public right-of-way (ROW) or other Township owned land or property.
16. *Wireless Support Structure*—a freestanding structure, such as a Communications Tower or any other support structure that is primarily constructed to support the placement or installation of a wireless communications facility if approved by the Township.

### **SECTION III. Amendment to Section 1230, Wireless Telecommunications Facilities of the North Lebanon Township Zoning Ordinance**

Section 1230.2.A of the Zoning Ordinance is hereby amended to include the following provisions:

- (13) To the extent economically and structurally feasible, Communications Antennas shall be co-located on existing Wireless Support Structures. As a condition of approval, Applicants shall demonstrate that they contacted the owners of Wireless Support Structures within one quarter (1/4<sup>th</sup>) of a mile of the proposed Communications Antenna site to ascertain whether such Wireless Support Structure would be an appropriate support structure for the proposed Communications Antenna. Failure to provide evidence of contact with owners of closely located Wireless Support Structures may be utilized by the Board of Supervisors as a reason to deny the Applicant's request for approval.
- (14) Communications Antennas shall be permitted to co-locate upon non-conforming Communications Towers and other non-conforming structures. Co-location of Communications Antennas upon existing Communications Towers is encouraged even if the Communications Tower is non-conforming as to use within a zoning district.

- (15) Any Communications Antenna shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Each Communications Antenna shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.
- (16) All Communications Antennas shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended).
- (17) Communications Antennas shall comply with all federal, state, and local laws and regulations concerning aviation safety.
- (18) The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Communications Antenna, as well as related inspection costs, monitoring costs, professional fees and other miscellaneous related costs. All fees are established by Resolution of the Township Board of Supervisors.
- (19) Unused or abandoned Communications Antennas or portions of Communications Antennas shall be removed within a reasonable time period as determined by the Township on an individual basis. If the Communications Antenna or Related Equipment is not removed within such time period, the Communications Antenna and/or Related Equipment may be removed by the Township. As security, the Township reserves the right to the salvage value of any removed Communications Antenna and/or Related Equipment. Any additional charges incurred by the Township shall be assessed against the bond maintained by the owner of the Communications Antenna or Related Equipment.
- (20) Each Person that owns or operates a Communications Antenna shall provide the Township with a certificate of insurance, listing the Township as an additional insured, evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Antenna.
- (21) Each person that owns or operates a Communications Antenna shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or

contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Communications Antenna. Each person that owns or operates a Communications Antenna shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a Communications Antenna. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

(22) Prior to the issuance of a conditional use authorization, the owner of a Communications Antenna shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond or other form of security acceptable to the Township, in an amount of \$20,000 to assure the faithful performance of the terms and conditions of this Ordinance, as well as the removal of the proposed facility. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this Ordinance, after reasonable notice and opportunity to cure. The owner shall file the bond with the Township. The Township reserves the right to periodically adjust the amount of the bond to correspond with inflation.

(23) The following regulations shall apply to collocated Communications Antennas that fall under the Pennsylvania Wireless Broadband Collocation Act:

- a. Wireless Communications Facility Applicants proposing the modification of an existing Communications Tower shall obtain a building permit from the Township or its representative or designee. In order to be considered for such permit, the WCF Applicant must submit a permit application to the Township in accordance with applicable permit policies and procedures.
- b. Within thirty (30) calendar days of the date that an application for a Communications Antenna is filed with the Township, the Township shall notify the WCF Applicant in writing of any information that may be required to complete such application. Within sixty (60) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the WCF Applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the WCF Applicant to provide the information shall not be counted toward the Township's sixty (60) day review period.
- c. Ground-mounted Related Equipment greater than three (3) cubic feet shall not be located within fifty (50) feet of a lot in residential use or zoned residential.
- d. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Communications Antenna or \$1,000, whichever is less. All fees are established by Resolution of the Township Board of Supervisors.



#### **SECTION IV. Amendment to Section 1230, Wireless Telecommunications Facilities of the North Lebanon Township Zoning Ordinance**

Section 1230.3 of the Zoning Ordinance is hereby amended to include the following provisions:

Y. Additional Communications Tower Requirements. The following regulations shall apply to all Communications Towers.

- (1) Any Communications Tower shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any Communications Tower shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.
- (2) A WCF Applicant for a Communications Tower must demonstrate that a significant gap in wireless coverage or capacity exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the Township's decision on an application for approval of Communications Towers.
- (3) An application for a new Communications Tower shall demonstrate that the proposed Communications Tower cannot be accommodated on an existing or approved structure or building, or land owned and maintained by North Lebanon Township. The Township Board of Supervisors may deny an application to construct a new Communications Tower if the Applicant has not made a good faith effort to mount the Communications Antenna on an existing structure. The Applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within a one quarter ( $\frac{1}{4}$ ) of a mile radius of the site proposed, sought permission to install a Communications Antenna on those structures, buildings, and towers and was denied for one of the following reasons:
  - a. The proposed antenna and Related Equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.
  - b. The proposed antenna and Related Equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower, and the interference cannot be prevented at a reasonable cost.

- c. Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
  - d. A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.
- (4) As a condition for approval for all Communications Towers, the WCF Applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennae on Communications Towers where technically and economically feasible. The owner of a Communications Tower shall not install any additional antennae without obtaining the prior written approval of the Township.
- (5) A Communications Tower shall not, by itself or in conjunction with other Wireless Communications Facilities, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- (6) A Communications Tower shall not be located upon a property, and/or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, or is included in the official historic structures and/or historic districts list maintained by the Township.
- (7) Communications Towers shall comply with all federal, state and municipal laws, ordinances, and regulations concerning aviation safety.
- (8) The Township may hire any consultant and/or expert necessary to assist the Township in reviewing and evaluating the application for approval of the Communications Tower and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these provisions, including any costs related to expert evaluation and consultation. The Applicant shall deposit the cost for such review and application, as estimated by the Township, at the time of application submittal. The Applicant shall reimburse the Township for any costs incurred in excess of those deposited by the Applicant at the time of application submission.
- (9) Within thirty (30) calendar days of the date that an application for a Communications Tower is filed with the Township, the Township shall notify the WCF Applicant in writing of any information that may be required to complete such application. All applications for Communications Towers shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such Communications Tower and the Township shall advise the WCF Applicant in writing of its decision. If additional information was requested by the Township to

complete an application, the time required by the WCF Applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.

- (10) Non-conforming Communications Towers which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at the existing location, but must otherwise comply with the terms and conditions of this section.
- (11) The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Communications Tower, as well as related inspection, monitoring, and related costs.
- (12) Each person that owns or operates a Communications Tower shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Communications Tower. Each person that owns or operates a Communications Tower shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of Communications Tower. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
- (13) Unused or abandoned Communications Towers or portions of Communications Towers shall be removed within sixty (60) days of notification by the Township. If the Communications Tower or Related Equipment is not removed within such time period, the Communications Tower and/or Related Equipment may be removed by the Township. As security, the Township reserves the right to the salvage value of any removed Communications Tower and/or Related Equipment.
- (14) Prior to the issuance of conditional use authorization, the owner of a Communications Tower shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond or other form of security acceptable to the Township, in the amount of \$20,000 to assure the faithful performance of the terms and conditions of this Ordinance, as well as removal of the proposed Communications Tower. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages incurred by the Township for violations of this Ordinance, after notice of thirty (30) days and opportunity to cure of thirty (30) days. The owner shall file the bond with the Township. The Township reserves the right to periodically adjust the amount of the bond to correspond with inflation.

## **SECTION V. Amendment to Section 1230, Wireless Telecommunications Facilities of the North Lebanon Township Zoning Ordinance**

Section 1230 of the Zoning Ordinance is hereby amended to include a new section 1230.4 entitled and provided for as follows:

### **§ 1230.4 Wireless Telecommunications Facilities in the Public Rights-of-Way**

1. Communications Antennas in the Rights-of-Way are permitted by special exception, unless they fall under the Pennsylvania Wireless Broadband Collocation Act. The following regulations are applicable to all Communications Antennas located in the public Rights-of-Way to which the Pennsylvania WBCA does not apply:
  - A. Communications Antennas in the ROW shall be co-located on existing poles, such as existing utility poles or light poles, or on Township-owned traffic lights or property. If co-location is not technologically feasible, the WCF Applicant shall locate its Communications Antenna on existing poles or freestanding structures that do not already act as Wireless Support Structures with the Township's approval.
  - B. Design Requirements:
    - (1) Communications Antenna installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
    - (2) Communications Antennae and Related Equipment shall be treated to match the supporting structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
  - C. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Communications Antennas in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
  - D. Communications Antennas and Related Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:

- (1) In no case shall ground-mounted Related Equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb or within an easement extending onto a privately-owned lot;
- (2) Ground-mounted Related Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
- (3) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
- (4) Any graffiti on any Wireless Support Structures or any Related Equipment shall be removed at the sole expense of the owner within five (5) days of notification by the Township or any other entity. If such graffiti is not removed within five (5) days of notification, the Township shall remove the graffiti and assess its removal costs against the bond maintained by the owner.

E. Within such reasonable timeframe as is established by the Township on an individual basis, and following written notice from the Township, an owner of a Wireless Communications Facility in the Right of Way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Wireless Communications Facility when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- (1) The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;
- (2) The operations of the Township or other governmental entity in the Right-of-Way;
- (3) Vacation of a street or road or the release of a utility easement;
- (4) Widening of a street or road; or
- (5) An Emergency as determined by the Township.

2. Communications Towers are permitted in the public Rights-of-Way by special exception. The following regulations shall apply to Communications Towers located in the public Rights-of-Way:

A. Location and development standards.

- (1) Communications Towers in the ROW shall not exceed thirty (30) feet in height and are prohibited in areas in which utilities are located underground.
  - (2) Communications Towers shall not be located in the front façade area of any structure.
  - (3) Communications Towers are prohibited within twenty-five (25) feet of an area in which all utilities, including electric and cable, are located underground.
  - (4) Communications Towers shall be permitted along certain collector roads and arterial roads throughout the Township, regardless of the underlying zoning district. A map of such permitted roads is kept on file at the Township Zoning Office.
- B. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Communications Tower in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
- C. Communications Towers and Related Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
- (1) Ground-mounted Related Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
  - (2) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
  - (3) Any graffiti on the Communications Tower or any Related Equipment shall be removed at the sole expense of the owner within five (5) days of notification by the Township or any other entity. If such graffiti is not removed within five (5) days of notification, the Township shall remove the graffiti and assess its removal costs against the bond maintained by the owner.
  - (4) Any underground vaults related to Communications Towers shall be reviewed and approved by the Township.
- D. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in

the case of an Emergency, an owner of a Communications Tower in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- (1) The construction, repair, maintenance or installation of any Township or other public improvement in the Right-of-Way;
- (2) The operations of the Township or other governmental entity in the right-of-way;
- (3) Vacation of a street or road or the release of a utility easement;
- (4) An emergency as determined by the Township; or
- (5) Any other reasons set by the Township.

- E. In addition to permit fees as described in this section, every Communications Tower in the ROW is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each Communications Tower shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. All fees are established by Resolution of the Township Board of Supervisors.
- F. Within thirty (30) calendar days of the date that an application for a Communications Tower is filed with the Township, the Township shall notify the WCF Applicant in writing of any information that may be required to complete such application. All applications for Communications Towers shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such Communications Tower and the Township shall advise the WCF Applicant in writing of its decision. If additional information was requested by the Township to complete an application, the time required by the WCF Applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.

## **SECTION VI. Miscellaneous**

1. **Police powers.** The Township, by granting any permit or taking any other action pursuant to this chapter, does not waive, reduce, lessen or impair the lawful police powers vested in the Township under applicable federal, state and local laws and regulations.

2. **Severability.** If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this Chapter invalid.
3. **Effective Date.** This Ordinance shall become effective thirty (30) days after enactment by the Board of Supervisors of North Lebanon Township.